

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

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|--------------------------|------------------------|
| MARTIN DEMETRIO MORALES, | : |
| Plaintiff, | : |
| | : |
| v. | : File No. 2:13 CV 271 |
| | : |
| ANDREW PALLITO, | : |
| | : |
| Defendant. | : |

ORDER

The Report and Recommendation of the United States Magistrate Judge was filed March 31, 2014. Plaintiff's objections were filed April 16, 2014.

A district judge must make a *de novo* determination of those portions of a magistrate judge's report and recommendation to which an objection is made. Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b) (1); *Perez-Rubio v. Wyckoff*, 718 F.Supp. 217, 227 (S.D.N.Y. 1989). The district judge may "accept, reject, or modify, in whole or in part, the magistrate's proposed findings and recommendations." *Id.*

After careful review of the file, the Magistrate Judge's Report and Recommendation and the objections, this Court ADOPTS the Magistrate Judge's recommendation in full dismissing Plaintiff's complaint (Doc. 6). In addition, the Plaintiff's Motions to Appoint Counsel (Doc. 3, 14) are DENIED AS MOOT, Plaintiff's motion on the issue of default judgment

(Doc. 20) is DENIED and Defendant's Motion to Dismiss (Doc. 12) is GRANTED.

Dated at Burlington, in the District of Vermont, this 29th day of April, 2014.

/s/ William K. Sessions III
William K. Sessions III
District Court Judge